

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
CA No. 5:18-cv-219-D

LAURA PONTONES, on behalf of herself)
and all others similarly situated,)

Plaintiff,)

v.)

SAN JOSE RESTAURANT,)
INCORPORATED; SAN JOSE)
MANAGEMENT, INC., d/b/a SAN JOSE)
MEXICAN RESTAURANT AND SPORTS)
CANTINA; SAN JOSE MEXICAN)
RESTAURANT #2 OF LUMBERTON, INC.;)
SAN JOSE MEXICAN RESTAURANT OF)
ELIZABETHTOWN, INC.; SAN JOSE)
MEXICAN RESTAURANT OF N.C. INC.;)
SAN JOSE MEXICAN RESTAURANT OF)
PEMBROKE, NC, INC.; SANJOSE)
MEXICAN RESTAURANT OF RALEIGH)
INC.; SAN JOSE MEXICAN RESTAURANT)
OF SHALLOTTE, INC.; SAN JOSE OF)
ROCKY MOUNT #2 INC., d/b/a SAN JOSE)
TACOS AND TEQUILA; SAN JOSE OF)
ZEBULON, INC.; SAN JOSE OF ROANOKE)
RAPIDS, INC.; SAN JOSE WAKEFIELD,)
INC., d/b/a SAN JOSE MEX AND TEQUILA)
BAR; PLAZA AZTECA RALEIGH, INC.,)
d/b/a SAN JOSE TACOS AND TEQUILA;)
HECTOR FLORES; ALBERTO FLORES;)
JOSUE FLORES; JOSE PEREZ; VICENTE)
PEREZ; PABLO MEZA; EDGARDO)
FLORES; and EDGAR FLORES,)

Defendants.)

**[PROPOSED] ORDER GRANTING
PLAINTIFF'S MOTION FOR
CONDITIONAL FLSA
CERTIFICATION AND FOR
CERTIFICATION UNDER FED. R. CIV.
P. 23(A) AND (B), AND TO APPOINT
CLASS COUNSEL UNDER FED. R. CIV.
P. 23(G)**

Upon consideration of Plaintiff's Motion For Conditional Certification of a Collective Action pursuant to the Fair Labor Standards Act and for Rule 23 Class Certification pursuant to the North Carolina Wage and Hour Act, IT IS HEREBY ORDERED, that Plaintiff's Motion is

GRANTED and that Defendant is ORDERED to provide within ten (10) days to Plaintiff's counsel a listing of the names, last known addresses, alternate addresses, telephone numbers, and email addresses, for all current and/or former servers who worked for Defendants at any time during the period from May 17, 2015 to the present.

IT IS HEREBY FURTHER ORDERED that Plaintiff Laura Pontones is designated as the class representative and that the attorneys of record for the said named Plaintiff are authorized to serve as counsel for the classes in this action.

IT IS HEREBY FURTHER ORDERED that Plaintiff shall mail to each listed class member a copy of the notice, along with a Spanish translated version that has been approved by this Court and putative collective action class members shall have sixty (60) days from the mailing of notice to opt into/out of this action.

IT IS HEREBY FURTHER ORDERED that Defendants shall post a copy of the notice, in both English and Spanish, at any location or place of employment where the putative collective action plaintiffs/class members perform work.

By the Court:

THE HONORABLE JAMES C. DEVER III
UNITED STATES CHIEF DISTRICT JUDGE